

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PHILIP RICCARDI,

Plaintiff,

v.

MICHAEL R. LYNCH, et al.

Defendants,

-and-

HEWLETT-PACKARD COMPANY,

Nominal Defendant.

CASE NO. 12-CV-06003

**DECLARATION OF BRYAN L. CLOBES
IN SUPPORT OF PLAINTIFF STANLEY
MORRICAL'S MOTION FOR
APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL OF A
LEADERSHIP STRUCTURE FOR
PLAINTIFFS' COUNSEL**

Date: March 1, 2013
Time: 10:00 a.m.
Ct rm: 6, 17th Floor
Judge: Hon. Charles R. Breyer

[Caption continues on following page.]

1 ENERSTO ESPINOZA,

2 Plaintiff,

3 v.

4 MICHAEL R. LYNCH, et al.

5 Defendants,

6 -and-

7 HEWLETT-PACKARD COMPANY,

8 Nominal Defendant.

9 ANDREA BASCHERI, et al,

10 Plaintiffs,

11 v.

12 LEO APOTHEKER, et al.

13 Defendants,

14 -and-

15 HEWLETT-PACKARD COMPANY,

16 Nominal Defendant.

17 MARTIN BERTISCH,

18 Plaintiff,

19 v.

20 LEO APOTHEKER, et al.

21 Defendants,

22 -and-

23 HEWLETT-PACKARD COMPANY,

24 Nominal Defendant.

CASE NO. 12-CV-06025

Judge: Hon. Charles R. Breyer
Complaint Filed: November 27, 2012

CASE NO. 12-CV-06091

Judge: Hon. Charles R. Breyer
Complaint Filed: November 30, 2012

CASE NO. 12-CV-06123

Judge: Hon. Charles R. Breyer
Complaint Filed: December 3, 2012

25 CLOBES DECLARATION

Page 2

1 CITY OF BIRMINGHAM RETIREMENT
2 AND RELIEF SYSTEM,

3 Plaintiff,

4 v.

5 LEO APOTHEKER, et al.

6 Defendants,

7 -and-

8 HEWLETT-PACKARD COMPANY,

9 Nominal Defendant.

10
11 JOSEPH TOLA,

12 Plaintiff,

13 v.

14 MICHAEL R. LYNCH, et al.

15 Defendants,

16 -and-

17 HEWLETT-PACKARD COMPANY,

18 Nominal Defendant.

CASE NO. 12-CV-06416

Judge: Hon. Charles R. Breyer
Complaint Filed: December 18, 2012

CASE NO. 12-CV-06423

Judge: Hon. Charles R. Breyer
Complaint Filed: December 18, 2012

1 STANLEY MORRICAL,
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3 Plaintiff,
4 v.
5 MARGARET C. WHITMAN, et al.
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7 Defendants,
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9 -and-
10 HEWLETT-PACKARD COMPANY,
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28 Nominal Defendant.

CASE NO. 12-CV-06434

Judge: Hon. Charles R. Breyer
Complaint Filed:December 19, 2012

1 I, BRYAN L. CLOBES, hereby declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of
3 New Jersey and the Commonwealth of Pennsylvania. I have an application pending before this
4 Court seeking *pro hac vice* admission. The statements contained herein are true and correct and
5 based upon my personal knowledge.
6

7 2. I am a partner in the law firm Cafferty Clobes Meriwether & Sprengel LLP
8 (“Cafferty Clobes”). Cafferty Clobes has offices in Philadelphia, Pennsylvania, Chicago, Illinois
9 and Ann Arbor, Michigan.
10

11 3. I am a member in good standing of the bars of the Commonwealth of
12 Pennsylvania, the State of New Jersey, the United States District Courts for the Eastern District
13 of Pennsylvania, the District of New Jersey, the Northern District of Illinois, the Eastern District
14 of Michigan, the United States Courts of Appeals for the Third and Sixth Circuits, and the United
15 States Supreme Court.
16

17 4. On December 18, 2012 my firm filed a Complaint in this matter on behalf of our
18 client Joseph Tola.

19 5. Shortly thereafter, I was contacted by lawyers at Cotchett Pitre & McCarthy
20 (“CPM”), who had filed a Complaint on behalf of their client Stanley Morrical. The lawyers at
21 CPM expressed an interest in working cooperatively on behalf of our client shareholders and HP
22 derivatively. They made clear their interest in an inclusive approach and in seeking a leadership
23 position in the case.
24

25 6. During our discussions with the lawyers at CPM, we agreed to have and
26 participate in a conference call with all plaintiffs’ counsel (“conference call”) to cover topics
27 including organizational issues, a joint motion for consolidation, a proposed initial pretrial
28

1 schedule and order, service of process, and communicating with defense counsel regarding these
2 various issues.

3 7. At no time prior to the conference call were we contacted by any lawyers from
4 either Robbins Arroyo or Saxena White.
5

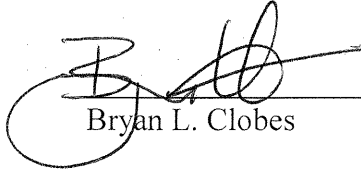
6 8. During the conference call, the lawyers from Robbins Arroyo and Saxena White
7 made clear their insistence that their two firms serve as lead counsel and there be no executive or
8 steering committee. These lawyers made clear their view that they are entitled to serve as lead
9 counsel because they represent the City of Birmingham, among their three Plaintiff clients. They
10 were not willing to discuss any other possible leadership structure and rejected entirely the
11 suggestion of an executive or steering committee.
12

13 9. Based on the relative experience of the firms seeking to serve as lead counsel, and
14 their approach taken thus far in this case to discuss and help to organize counsel and their
15 collective efforts on behalf of Plaintiffs and HP, I have no doubt that CPM is best suited to serve
16 as lead counsel. Also, given the size of this case, and the sophistication and resources of the
17 various corporate Defendants, it is clear that a modest executive committee would greatly benefit
18 and help carry the burden of litigating this important case.
19

20 10. For the reasons stated in CPM's opening brief and the exhibits thereto, my firm
21 and Bottini & Bottini are well-qualified and suited to serve on an executive committee to assist
22 lead counsel in prosecuting this case.
23

24 I declare under penalty of perjury that the foregoing statements are true and correct.
25

26 Dated: February 15, 2013
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Bryan L. Clobes